IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.42936 of 2008
SURENDRA SINGH
Versus
STATE OF BIHAR
----

4. **10.12.2008** Heard Sri Rajani Ranjan Pd. Singh, Advocate for the petitioner and the learned A.P.P. for the State.

Regard being had to the fact that the petitioner is the assailant of the deceased, considering which, the petition is dismissed.

However, the court is concerned about the incarceration that the petitioner is in custody since 9.12.2005 and it is submitted that the learned Judge(F.T.C.II, Saran, Chapra in S.Tr.No.380 of 2006/59 of 2007)has been able in framing the charge only against the petitioner and other accused persons.

However, I could direct holding the trial in the above case to peruse Section 170(2)Cr.P.C. and the judgement of the Apex Court in AIR 2002 SC 270 Shailendra Kumar Vrs. State of Bihar and issue a notice to the officer-in-charge, i.e., Taraiya police station appending thereto a list of witnesses cited in the chargesheet so as to remaining present physically in court with the witnesses for their examination.

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(Dharnidhar Jha, J.)

B.Kr.